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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPEAL NO.21 OF 2007
IN
COMPANY PETITION NO.106 OF 2005

Akkadian Housing and Infra-
structure Pvt.Ltd. and another Appellants

versus

Pantheon Infrastructure
Pvt.Ltd. and others Respondents

Mr.Iqal Chhagla, Sr.Counsel a/w Dipti Das i/by Dunmorr Sett for appellants.

Mr.Aspy Chinoy, Sr.Counsel a/w M.S.Doctor i/by Bachubhai Munim & Co. for respondents 2, 6 to 9 and 11.

CORAM : A.M.KHANWILKAR, J.

DATE : 18th December 2007

PC :

1. Counsel for the appellants submits that the issue that was addressed in paragraph 5 before the Company Law Board and came to be answered against the appellants under order dated 21st August 2006, if is left open to be considered by the Company Law Board at the appropriate stage without being influenced by the observations made in the impugned order, the appellants may not

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press present appeal. Counsel for the respondent in all fairness submits that there is no difficulty in accepting this request, as that will be stating the obvious, as the present appeal is arising out of an interlocutory order.

2. Accordingly, present appeal is disposed off with direction to the Company Law Board to consider all questions arising in relation to issue referred to in para 5 on its own merits afresh uninfluenced by the observations made in the impugned order. Appeal disposed off in the above terms.

(A.M.KHANWILKAR, J.)